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IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE TECHNOLOGY CENTER R3700

APPLICANT: Laddie L. James TITLE: Improved Tack Spraying Apparatus

SERIAL NO.: 09/642,868 ART UNIT: 3752

FILING DATE: November 1, 2000 EXAMINER: Nguyen, Dinh Q.

DOCKET NO.: 9066.002

#13  
2-6-03

**RESPONSE TO NOTICE OF DEFECTIVE APPEAL**

The Honorable Commissioner of  
Patents and Trademarks  
Box Patent Appeals  
P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

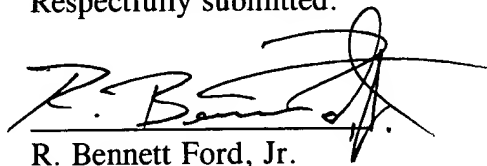
This is in response to the examiner's communication mailed February 14, 2003, requiring a response within thirty (30) days. This response is believed to be timely filed; however, if any extension is required, the Commissioner is respectfully requested to consider this a petition therefor. No fee is believed to be due in connection with this response; however, if any fee is required, the Commissioner is hereby authorized and requested to charge the same to deposit account number 18-2210.

The examiner has indicated that the appeal is defective because the applicant failed to include three copies of the appellate brief. In response, the applicant is submitting herewith, three copies of the brief and appendix originally filed on December 3, 2002. No new original is believed to be required, and accordingly, none is submitted herewith. However, if a new original is required, the examiner is respectfully requested to contact the undersigned attorney, and a new

original will be forthcoming.

These submissions are believed to place the applicant's appeal in compliance with all requirements of 37 C.F.R. § 1.192, and consideration of the appeal on its merits is hereby requested. However, if any further matters remain which the examiner believes may be resolved by teleconference, he is respectfully requested to contact the undersigned attorney at the number listed below.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "R. Bennett Ford, Jr.", with a stylized flourish at the end.

Dated: February 25, 2003

R. Bennett Ford, Jr.  
Registration No. 39,193  
**ROY, KIESEL, KEEGAN & DENICOLA**  
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AF 3752

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**CERTIFICATE OF MAILING (37 CFR 1.8a)**

I hereby certify that the following paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Honorable Commissioner for Patents and Trademarks, Box Patent Appeals, P.O. Box 2327, Arlington, VA 22202:

- Response to Notice of Defective Appeal;
- 3 Copies of Brief in Support of Appeal filed on 12-3-02 (11 pages each);
- 3 Copies of Appendix to Brief in Support of Appeal filed on 12-3-02
- (4 pages each);
- Certificate of Mailing; and
- Stamped Return Postcard.

2-25-03  
Date

Hazel M. Brown  
Hazel M. Brown